

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GOVERNOR ANDREW M. CUOMO,

Movant,

v.

Case No. 23-mc-01587 (LDH) (TAM)

LINDSEY BOYLAN,

Respondent.

TROOPER 1,

Plaintiff,

v.

Case No. 22-cv-00893 (LDH) (TAM)

NEW YORK STATE POLICE, ANDREW
CUOMO, MELISSA DEROSA, and RICHARD
AZZOPARDI,

Defendants.

**DECLARATION OF THERESA TRZASKOMA IN FURTHER SUPPORT OF
FORMER GOVERNOR ANDREW M. CUOMO'S MOTION TO COMPEL
LINDSEY BOYLAN'S COMPLIANCE WITH SUBPOENA AND IN OPPOSITION TO
LINDSEY BOYLAN'S AND TROOPER 1'S MOTIONS TO QUASH
SUBPOENAS CONCERNING LINDSEY BOYLAN**

I, THERESA TRZASKOMA, an attorney admitted to practice before this Court, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm Sher Tremonte LLP, counsel to Governor Cuomo¹ in the Trooper 1 Action and the Boylan Miscellaneous Action.

¹ For ease of reference, we use terms reflected on the Appendix of Defined Terms attached to the Memorandum of Law in Further Support of Former Governor Andrew M. Cuomo's Motion to Compel Lindsey Boylan's Compliance With Subpoena and in Opposition to Lindsey Boylan's and Trooper 1's Motions to Quash Subpoenas Concerning Lindsey Boylan.

2. I submit this declaration in further support of Governor Cuomo's motion to compel Lindsey Boylan's compliance with the subpoena issued to her (Boylan ECF No. 3) and in opposition to (a) Ms. Boylan's cross-motion to quash the subpoena issued to her (Boylan ECF No. 17), (b) Ms. Boylan's motion to quash the subpoenas concerning her (T1 ECF No. 87) and (c) Trooper 1's motion to quash the subpoenas concerning Ms. Boylan (T1 ECF No. 87). I have knowledge of the issues described herein.

3. On May 10 and 11, 2023, counsel for Governor Cuomo provided notice of his intent to serve Subpoenas to Produce Documents on ESD, Elizabeth Fine, and Howard Zemsky. Trooper 1 objected to the service and content of each of these subpoenas.

4. In an effort to resolve the disputes surrounding these subpoenas, counsel for the Parties met and conferred on May 15, 2023. Trooper 1's counsel reiterated her objections and stated that Court intervention would be necessary to resolve them.

5. The Parties outlined the dispute in a June 5, 2023 joint letter to the Court. Trooper 1 ECF No. 78. Trooper 1 argued that the Boylan-Related Subpoenas (among other subpoenas related to Charlotte Bennett) should be quashed.

6. The following day, the Court granted Trooper 1 leave to file a discovery motion on the topics outlined in the letter.

7. During a June 7, 2023 meet and confer, Trooper 1's counsel informed us that Ms. Boylan intended to submit briefs on the issues raised in the joint letter.

8. On June 12, 2023, Ms. Boylan wrote to the Court requesting permission to be heard; the Parties submitted a joint letter proposing a briefing schedule the following day; and the day after, the Court adopted the proposed briefing schedule.

9. On June 20, 2023, counsel for Governor Cuomo provided notice of his intent to serve a Subpoena to Produce Documents on the New York Executive Chamber. Trooper 1 objected to the service and content on this subpoena but only to the extent it sought information at issue in the discovery dispute concerning the Boylan-Related Subpoenas.

10. Attached hereto as **Exhibit 1** is a true and correct copy of the State of New York Office of the Attorney General's Subpoena Duces Tecum to Lindsey Boylan, dated April 29, 2021.

11. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of a document production made by nonparty Kaitlin, dated June 22, 2023.

12. Attached hereto as **Exhibit 3** is a true and correct copy of the confidential transcript of the deposition of Ana Liss-Jackson in the Trooper 1 Action, dated July 10, 2021.

13. Attached hereto as **Exhibit 4** is Exhibit 5 to the deposition of Ana Liss-Jackson, a true and correct copy of text messages between Ms. Boylan and Ms. Liss-Jackson, dated April 19, 2023.

14. On November 13, 2020, Ms. Boylan tweeted “The entire layer surrounding @NYGovCuomo, you know who you are!” alongside a gif from the movie Mean Girls, available at <https://twitter.com/LindseyBoylan/status/1327213691222323201>.

15. On March 8, 2021, Ms. Boylan tweeted “Happy #InternationalWomensDay - @NYGovCuomo” alongside a picture of Jabba the Hutt from Star Wars holding Princess Leia, available at <https://twitter.com/LindseyBoylan/status/1368964571810172937>.

16. On March 9, 2021, in response to a tweet regarding allegations against Governor Cuomo, Ms. Boylan tweeted “‘I never touched them inappropriately.’ – Andrew Cuomo” alongside a picture of Jabba the Hutt from Star Wars holding Princess Leia, available at <https://twitter.com/LindseyBoylan/status/1369505683872374789>.

17. On March 25, 2021, Ms. Boylan tweeted “Just the good old office welcome to women in the governor’s office of New York” alongside a picture of Jabba the Hutt from Star Wars holding Princess Leia, available at <https://twitter.com/LindseyBoylan/status/1375256678178885642>.

18. On March 29, 2021, in response to a tweet regarding an allegation against Governor Cuomo, Ms. Boylan tweeted a picture of Jabba the Hutt from Star Wars holding Princess Leia, available at <https://twitter.com/LindseyBoylan/status/1376606151341658113>.

19. On March 6, 2023, in response to a tweet regarding Melissa DeRosa’s criticisms of Representative Alexandria Ocasio-Cortez, Ms. Boylan tweeted “Melissa DeRosa is trash. Literally trash,” available at <https://twitter.com/LindseyBoylan/status/1632916903206309888>.

20. On January 12, 2021, Ms. Boylan posted a video to her Facebook account announcing that she “blew” her Manhattan Borough President campaign fundraising goal “out of the water,” available at <https://www.facebook.com/347949635853274/videos/728579087790325>.

21. On December 9, 2020, Ms. Boylan tweeted “I’ve been getting all these messages from people I won’t be sharing, because it’s their truth, but I must say, @NYGovCuomo will go down as one of the biggest abusers of all time. Will it take decades more for this to be common knowledge?” available at <https://twitter.com/LindseyBoylan/status/1336661572345864192>.

22. On March 18, 2021, NBC published a story titled “3rd Cuomo Accuser to Speak With Investigators Thursday in Sex Harassment Case” that discussed Ms. Boylan’s allegations against Governor Cuomo, available at <https://www.nbcnewyork.com/news/local/3rd-cuomo-accuser-to-speak-with-investigators-thursday-in-sex-harassment-case/2950880/>.

23. On March 20, 2021, Gothamist published a story by David Cruz titled “‘Do Your Job’: At Rally, Cuomo Accuser Lindsey Boylan Demands Assembly Speaker Impeach Governor”

that discussed Ms. Boylan's allegations against Governor Cuomo, available at <https://gothamist.com/news/do-your-job-rally-cuomo-accuser-lindsey-boylan-demands-assembly-speaker-impeach-governor>.

24. On March 18, 2021, the New Yorker published a story by Ronan Farrow titled "Cuomo's First Accuser Raises New Claims of Harassment and Retaliation" that discussed Ms. Boylan's allegations against Governor Cuomo, available at <https://www.newyorker.com/news/news-desk/cuomos-first-accuser-raises-new-claims-of-harassment-and-retaliation>.

25. On March 20, 2021, AP News ran a segment titled "Cuomo's First Accuser at Rally Against NY Governor" that discussed Ms. Boylan's allegations against Governor Cuomo, available at <https://www.youtube.com/watch?v=VeX9WXbf5XY>.

26. On May 11, 2021, Good Day New York ran a segment titled "Lindsey Boylan" that discussed Ms. Boylan's allegations against Governor Cuomo, available at <https://www.fox5ny.com/video/931604>.

27. On May 16, 2021, the New York Daily News, in an article titled "Lindsey Boylan Enjoying Campaign Trail for Manhattan Borough President After Bombshell Allegations Against Cuomo" by Shant Shahrigian, reported on a campaign statement issued by Ms. Boylan asserting that Ms. Boylan was a good candidate for office because of her allegations and public dispute with Governor Cuomo, available at <https://www.nydailynews.com/news/politics/nyc-elections-2021/ny-lindsey-boylan-manhattan-borough-president-race-20210516-3pny5s6b6bcepor2xfzans4izu-story.html>.

28. On June 14, 2021, in an episode of the podcast Bar Crawl titled "Meet Your Manhattan Borough President Candidates," Ms. Boylan asserted that she was a good candidate for

office because of her allegations and public dispute with Governor Cuomo, available at <https://shows.acast.com/bar-crawl-radio/episodes/meet-your-manhattan-borough-president-candidates>.

29. On August 8, 2022, in response to a portion of Ronan Farrow's New Yorker article regarding the allegations against Governor Cuomo, Ms. Boylan tweeted "The @NewYorker was also a small piece of my story. @RonanFarrow failed to share that the one anonymous source on the record against me, calling me 'hostile' for his piece was none other than a Cuomo loyalist who literally participated in the smear of me @dani_lever while @Meta," available at <https://twitter.com/LindseyBoylan/status/1556755548279898113>.

30. On March 6, 2021, the Wall Street Journal published a story titled "Cuomo Faces New Accusations of Inappropriate Behavior From Third Former Aide" by Jimmy Vielkind, Deanna Paul, and Khadeeja Safdar featuring Ana Liss-Jackson describing her allegations against Governor Cuomo, available at <https://www.wsj.com/articles/third-former-andrew-cuomo-aide-describes-inappropriate-workplace-treatment-11615081956>.

31. On March 12, 2021 New York Magazine published a story titled "Abuse and Power: Andrew Cuomo's Governorship Has Been Defined by Cruelty That Disguised Chronic Mismanagement. Why Was That Celebrated for So Long?" by Rebecca Traister featuring Ms. Liss-Jackson describing her allegations against Governor Cuomo, available at <https://nymag.com/intelligencer/article/andrew-cuomo-misconduct-allegations.html>.

32. On March 15, 2021, WNYC ran a segment titled "Two of Gov. Cuomo's Accusers Reflect" by Brian Lehrer featuring Ms. Liss-Jackson describing her allegations against Governor Cuomo, available at <https://www.wnyc.org/story/gov-cuomos-accusers-reflect/>.

33. On March 18, 2021, CNN published a story titled “Cuomo Accuser Ana Liss Details Unsolicited Attention, Sexually Hostile Work Environment in Two-Hour Interview With AG’s Office” by Brynn Gingras and Caroline Kelly featuring Ms. Liss-Jackson describing her allegations against Governor Cuomo in which Ms. Liss-Jackson accused the entire Executive Chamber of “offensive conduct,” available at <https://www.cnn.com/2021/03/18/politics/cuomo-accuser-ana-liss-interview-ag-office/index.html>.

34. On August 15, 2021, Rochester First published an interview titled “Exclusive: Ana Liss Reacts to Governor Cuomo’s Resignation” by Adam Chodak featuring Ana Liss-Jackson describing her reaction to Governor Cuomo’s resignation, available at <https://www.rochesterfirst.com/adam-interviews/exclusive-ana-liss-reacts-to-governor-cuomos-resignation/>.

35. On May 30, 2023, in response to a tweet by Andrew Cuomo regarding COVID rates in New York and Florida, Ms. Boylan tweeted “This is a person who has no shame. His super power is having no shame whatsoever,” available at https://twitter.com/LindseyBoylan/status/1663674866443116549?ref_src=twsrc%5Etfw.

36. On May 31, 2023, Ms. Boylan tweeted “Andrew Cuomo and Donald Trump are the same person. One ostensibly has money and the other has no money. Other than that, they are the same person. I have said this for years. Totally self absorbed. Devoid of values. Devoid of basic ethics and unable to experience real shame,” available at <https://twitter.com/LindseyBoylan/status/1663952599073030150>.

37. On May 3, 2023, the Wall Street Journal published a story by Jimmy Vielkind titled “Andrew Cuomo Seeks Records, Depositions From Women Who Accused Him of Sexual

Harassment” by Jimmy Vielkind, available at <https://www.wsj.com/articles/andrew-cuomo-seeks-records-depositions-from-women-who-accused-him-of-sexual-harassment-bcc65a76>.

38. On May 4, 2023, the New York Post published a story by Snejana Farberov titled “Andrew Cuomo Subpoenas Women Who Accused Him of Sexual Misconduct,” including a statement by Ms. Boylan’s counsel, available at <https://nypost.com/2023/05/04/andrew-cuomo-subpoenas-accusers-in-sexual-misconduct-case/>.

39. On May 4, 2023, CBS News published a story by Marcia Kramer titled “Andrew Cuomo Lawyers Subpoena 5 Women Who Accused Former Governor of Sexual Harassment in Civil Lawsuit,” regarding the subpoena against Ms. Boylan and other complainants, available at <https://www.cbsnews.com/newyork/news/andrew-cuomos-lawyers-subpoena-5-women-who-accused-former-governor-of-sexual-harassment-federal-lawsuit/>.

40. On May 4, 2023, the Daily Mail published a story by Alex Oliveira titled *Disgraced Democratic Governor Andrew Cuomo Has Subpoenaed Women ‘Victims’ Who Accused Him of Sexual Misconduct as He Tries to Clear His Name*, including a statement by Ms. Boylan’s counsel, available at <https://www.dailymail.co.uk/news/article-12044963/Andrew-Cuomo-demanding-women-accused-sexual-misconduct-sit-questioning.html>.

41. Attached hereto as **Exhibit 5** is a true and correct copy of the redacted public transcript of Ms. Boylan’s testimony to the OAG, dated May 20, 2021.

Dated: New York, New York
July 19, 2023

/s/ Theresa Trzaskoma
Theresa Trzaskoma